

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NELSON ROY WESLEY,

Plaintiff,

V.

CORPORAL EDWARD LAWLER,

Defendant.

CASE NO. 1:19 CV 1232

JUDGE DONALD C. NUGENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Jennifer Dowdell Armstrong. The Report and Recommendation (ECF #65) is hereby ADOPTED. Plaintiff filed a Complaint seeking \$12.5 million in damages allegedly resulting from civil rights violations committed against him while he was a pretrial detainee at the Cuyahoga County Corrections Center. (ECF #1). On October 21, 2019, the Court dismissed all but one claim, leaving his retaliation claim pending. (ECF #4). The Report and Recommendation addresses Defendant's motion for Summary Judgment on that retaliation claim. Magistrate Judge Armstrong found that Defendant put forth evidence to establish the absence of a genuine dispute, and Plaintiff did not introduce "significant probative evidence" to

overcome the motion. (ECF #65, PageID 577). Further Magistrate Judge Armstrong found that the Defendant was entitled to qualified immunity. (ECF #65, PageID 578-579). She, therefore, recommended that the Defendant's Motion for Summary Judgment should be granted. (ECF #65, PageID 579-580) The Plaintiff timely filed objections to the Magistrate's findings. (ECF #66).

The Court has reviewed *de novo* those portions of the Magistrate Judge's Report and Recommendation to which objection has been made. *See* FED. R. CIV. P. 72(b). The Court finds Magistrate Judge Armstrong's Report and Recommendation to be thorough, well-supported, and correct. The Court finds that Plaintiff's objections raise no arguments (factual or legal) that have not been fully addressed by the Report and Recommendation.

The Magistrate's Report and Recommendation fully and correctly addresses all of the issues fairly raised and that the Plaintiff's objections are unwarranted. This Court, therefore, adopts the Magistrate's Report in its entirety. The Motion for Summary Judgment is GRANTED. Defendant is entitled to Judgment in his favor, as a matter of law. IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: March 29, 2024